

5 should any such appropriations as indicated in this act be in excess of
6 those now authorized, they shall be reduced to said amount and in no
7 case shall they be increased.

1 **SEC. 123. Publication clause.** This act being deemed of immediate
2 importance shall take effect and be in full force from and after its
3 publication in the Des Moines News and the Plain Talk, newspapers
4 published in the city of Des Moines, Iowa.

Approved April 25, A. D. 1924.

I hereby certify that the foregoing act was published in the Des Moines News April 30,
1924, and Plain Talk, Des Moines, May 1, 1924.

W. C. RAMSAY, *Secretary of State.*

CHAPTER 5

PRIMARY ELECTIONS

S. F. 21

AN ACT to amend, revise, and codify chapter two (2) of title four (4) of the compiled code of Iowa and of the supplement to said code, relating to nominations by primary elections and conventions; also to amend section three (3) of house file two hundred fifty-eight (258), passed at the extra session of the fortieth general assembly, entitled "An act relating to the nomination and election of officers, employees, and assistants in cities acting under the commission form of government."

Be it enacted by the General Assembly of the State of Iowa:

That chapter two (2) of title four (4) of the compiled code of Iowa and of the supplement to said code is amended, revised, and codified to read as follows:

1 **SECTION 1. Primary election defined.** The term "primary elec-
2 tion" as used in this chapter shall be construed to apply to an election
3 by the members of various political parties:

4 1. For the purpose, of placing in nomination candidates for pub-
5 lic office.

6 2. For selecting delegates to conventions.

7 3. For the selection of party committeemen.

1 **SEC. 2. Political party defined.** The term "political party" shall
2 mean a party which, at the last preceding general election, cast for
3 its candidate for governor at least two per cent (2%) of the total vote
4 cast at said election. A political organization which is not a "political
5 party" within the meaning of this section may nominate candidates
6 and have the names of such candidates placed upon the official ballot
7 by proceeding under chapter three (3) of this title.

1 **SEC. 3. Offices affected by primary.** Candidates of all political
2 parties for all offices which are filled at a regular biennial election
3 by direct vote of the people, except the office of judge of the supreme
4 and district courts, shall be nominated at a primary election at the
5 time and in the manner hereinafter directed.

1 **SEC. 4. Delegates and party committeemen.** Delegates to the
2 county convention of political parties and party county committeemen
3 of such parties shall be elected at said primary election at said times
4 and places.

1 **SEC. 5. Applicable statutes.** The provisions of chapters six (6)
2 and seven (7) of this title and chapter fifty-three (53) of title thirty-
3 three (33) shall apply, so far as applicable, to all said primary elec-
4 tions, except as hereinafter provided.

1 **SEC. 6. Nomination of United States senators.** Senators in the
2 congress of the United States, in case of a full term, shall be nomi-
3 nated in the year preceding the expiration of the term of office of the
4 incumbent. In case of a vacancy, such senators shall be nominated
5 in the year in which occurs the first biennial election following the
6 occurrence of the vacancy.

1 **SEC. 7. Time of holding.** The primary election by all political
2 parties shall be held at the usual voting places of the several pre-
3 cincts on the first Monday in June in each even-numbered year.

1 **SEC. 8. Secretary of state to furnish blanks.** The secretary of
2 state shall, at state expense, furnish blank nomination papers, in the
3 form provided in this chapter, to any qualified elector who desires to
4 petition for the nomination of any candidate, or to any person who
5 intends to be a candidate, for any office for which nomination papers
6 are required to be filed in his office.

1 **SEC. 9. County auditor to furnish blanks.** The county auditor shall,
2 at county expense, perform the duty specified in the preceding sec-
3 tion, as to all offices for which nomination papers are required to be
4 filed in his office.

1 **SEC. 10. Blanks furnished by others.** Blank nomination papers
2 which are in form substantially as provided by this chapter may be
3 used even though not furnished by the secretary of state or county
4 auditor.

1 **SEC. 11. Filing of nomination papers.** Nomination papers in be-
2 half of a candidate shall be filed:

3 1. For an elective county office, in the office of the county auditor
4 at least thirty (30) days prior to the day fixed for holding the primary
5 election.

6 2. For United States senator, for an elective state office, for rep-
7 resentative in congress, and for member of the general assembly, in
8 the office of the secretary of state not more than sixty (60) days nor
9 less than forty (40) days prior to the day fixed for holding said pri-
10 mary election.

1 **SEC. 12. Noting time of filing.** The officer receiving nomination
2 papers for filing shall indorse thereon the day, and time of day, of
3 filing.

1 **SEC. 13. Failure to file nomination papers.** No candidate for any
2 office named in the second preceding section shall have his name
3 printed on the official primary ballot of his party unless nomination
4 papers are filed as therein provided.

1 SEC. 14. Form of nomination papers. All nomination papers shall
2 be about eight and one-half (8½) by thirteen (13) inches in size and
3 in substantially the following form:

4 "I, the undersigned, a qualified elector of.....
5 county, and state of Iowa, and a member of the.....
6 party, hereby nominate.....of.....county,
7 state of Iowa, who has affiliated with and is a member of the.....
8party, as a candidate for the office of.....
9 to be voted for at the primary election to be held in June, 19.....".

10 No signatures shall be counted unless they are on sheets each hav-
11 ing such form written or printed at the top thereof.

1 SEC. 15. Requirements in signing. The following requirements
2 shall be observed in the signing and preparation of nomination blanks:

3 1. Each signer may sign as many nomination papers for the same
4 office as there are officers to be elected to said office, and no more.

5 2. Each signer shall add his residence, with street and number,
6 if any, and the date of signing.

7 3. All signers, for all nominations, of each separate part of a nom-
8 ination paper, shall reside in the same county.

9 4. When more than one (1) sheet is used, the sheets shall be
10 neatly arranged and securely fastened together before filing, and
11 shall be considered one (1) nomination paper.

12 5. Only one (1) candidate shall be petitioned for or nominated in
13 the same nomination paper.

1 SEC. 16. Withdrawals and additions not allowed. A nomination
2 paper, when filed, shall not be withdrawn nor added to, nor any sig-
3 nature thereon revoked.

1 SEC. 17. Affidavit to nomination papers. The affidavit of a quali-
2 fied elector, other than the candidate, shall be appended to each such
3 nomination paper, or papers, if more than one (1) for any candidate,
4 stating that he is personally acquainted with all the persons who have
5 signed the same; that he knows them to be electors of that county
6 and believes them to be affiliated with the party named therein; that
7 he knows that they signed the same with full knowledge of the con-
8 tents thereof; that their respective residences are truly stated therein;
9 and that each signer signed the same on the date stated opposite his
10 name.

1 SEC. 18. Affidavit by candidate. Every candidate shall make and
2 file an affidavit in substantially the following form:

3 "I,, being duly sworn, say that I
4 reside at.....street, (city or town) of.....
5 county of.....in the state of Iowa; that I am
6 eligible to the office for which I am a candidate, and that the political
7 party with which I affiliate is the.....party; that I
8 am a candidate for nomination to the office of.....
9 to be made at the primary election to be held in June, 19....., and
10 hereby request that my name be printed upon the official primary
11 ballot as provided by law, as a candidate of the.....
12 party. I furthermore declare that if I am nominated and elected I
13 will qualify as such officer.

14 (Signed)

15 Subscribed and sworn to (or affirmed) before me by.....
 16on this.....day of....., 19...
 17
 18 (Name)
 19”
 20 (Official Title)

1 **SEC. 19. Manner of filing affidavit.** The affidavit provided in the
 2 preceding section shall be filed with the nomination papers when such
 3 papers are required; otherwise alone.

1 **SEC. 20. Signatures required.** Nomination papers shall be signed
 2 as follows:

3 1. If for a state office, United States senator, or elector at large,
 4 by at least one per cent (1%) of the voters of the party of such candi-
 5 dates, in each of at least ten (10) counties of the state, and in the
 6 aggregate not less than one-half (1/2) of one per cent (1%) of the
 7 total vote of his party in the state, as shown by the last general
 8 election.

9 2. If for a representative in congress, district elector, or senator
 10 in the general assembly in districts composed of more than one (1)
 11 county, by at least two per cent (2%) of the voters of his party, as
 12 shown by the last general election, in at least one-half (1/2) of the
 13 counties of the district, and in the aggregate not less than one per
 14 cent (1%) of the total vote of his party in such district, as shown by
 15 the last general election.

16 3. If for an office to be filled by the voters of the county, by at
 17 least two per cent (2%) of the party vote in the county, as shown by
 18 the last general election.

19 In each of the above cases, the vote to be taken for the purpose of
 20 computing the percentage shall be the vote cast for the head of the
 21 ticket.

1 **SEC. 21. Candidates for township or precinct office.** The name of
 2 a candidate for an office to be filled by the voters of any subdivision
 3 of a county, including the office of party committeeman, shall be
 4 printed on the official primary ballot of his party:

5 1. If a nomination paper signed by ten (10) qualified voters of
 6 said subdivision is filed in his behalf with the county auditor at least
 7 twenty (20) days prior to such primary election, or

8 2. If the candidate files with the county auditor, twenty (20)
 9 days prior to such primary election, his personal affidavit as provided
 10 by section eighteen (18) of this chapter.

1 **SEC. 22. Nominations certified.** The secretary of state shall, at
 2 least thirty (30) days before a primary election, furnish to each
 3 county auditor a certificate under his hand and seal, which certifi-
 4 cate shall show:

5 1. The name and postoffice address of each person for whom a
 6 nomination paper has been filed in his office, and for whom the voters
 7 of said county have the right to vote at said election.

8 2. The office for which such person is a candidate.

9 3. The political party from which such person seeks a nomination.

10 4. The order in which the names of all candidates for offices to be

11 filled by the voters of the entire state shall be arranged and printed
12 on the primary ballot in said county.

1 **SEC. 23. Order of names of candidates.** The secretary of state
2 shall arrange the various counties in the order of the vote cast by
3 each political party in each county for its candidate for governor at
4 the last preceding general election, or for the head of the ticket of
5 any political party when it had no candidate for governor at such
6 election, numbering the counties consecutively on each list from one
7 (1) to ninety-nine (99), inclusive, beginning with the county which
8 cast the largest vote, which shall be numbered "1". He shall then
9 arrange the surnames of such candidates in alphabetical order for
10 the respective offices for the several political parties for the first
11 county on the respective lists; thereafter, for each succeeding county,
12 the names appearing first for the respective offices in the last preced-
13 ing county shall be placed last, so that the names that occupied sec-
14 ond position before the change shall occupy first position after the
15 change.

1 **SEC. 24. Notice of election.** Such auditor shall, immediately after
2 receiving said certified matter from the secretary of state, publish a
3 proclamation of the time of holding the primary election, the hours
4 during which the polls will be open, the offices for which candidates
5 are to be nominated and that the primary election will be held in the
6 regular polling places in each precinct.

1 **SEC. 25. Publication of notice.** Such notice shall appear once each
2 week for two (2) consecutive weeks before the primary election, in
3 not to exceed two (2) newspapers of general circulation published
4 in such county. One (1) of such newspapers shall represent the po-
5 litical party which cast the largest vote in such county at the last
6 preceding general election, and the other, if any, shall represent the
7 political party which cast the next largest vote in such county at such
8 general election.

1 **SEC. 26. Correction of errors.** The county auditor shall correct
2 any errors or omissions in the names of candidates and any other
3 errors brought to his knowledge before the printing of the ballots.

1 **SEC. 27. Ballot—form.** The official primary election ballot shall
2 be prepared, arranged, and printed substantially in the following form:

3 PRIMARY ELECTION BALLOT

4 (Name of Party)

5 of

6Township or Precinct,Ward, City or
7 Town of....., County of....., State of Iowa.

8 Primary election held on the.....day of June, 19.....

9 FOR UNITED STATES SENATOR

10 (Vote for one.)

11 William K. Brown

12 J. R. Wayne

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FOR GOVERNOR

(Vote for one.)

- Howard Collins
- William Longley
-

(Followed by other elective state and district officers in order.)

FOR COUNTY AUDITOR

(Vote for one.)

- William Strong
- Robert Thompson
-

(Followed by other elective county officers in order.)

FOR DELEGATES TO COUNTY CONVENTION

(Vote for)

-
-
-
-
-

FOR TOWNSHIP CLERK

(Vote for one.)

- John H. Black
- Joseph Raymond
-

FOR TOWNSHIP TRUSTEES

(Vote for two.)

- Clarence Foster
- William Jones
- H. S. Wilson
-

(Followed by other elective township officers in order.)

FOR PARTY COMMITTEEMAN

(Vote for one.)

- John Doe
- Richard Roe
-

1 **SEC. 28. Printing of ballots.** The ballots of each political party
2 shall be printed in black ink, on separate sheets of paper, uniform in
3 color, quality, texture, and size, with the name of the political party
4 printed at the head of said ballots, which ballots shall be prepared
5 by the county auditor in the same manner as for the general election,
6 except as in this chapter provided.

1 **SEC. 29. Names of state candidates.** The names of candidates for
2 offices to be filled by the voters of the entire state shall be arranged

3 and printed on the primary ballots in the order in which they are
4 certified by the secretary of state.

1 **SEC. 30. Names of district and county candidates.** The names of
2 candidates for offices to be filled by the voters of a county, and by the
3 voters of any district of the state composed of more than one (1)
4 county, shall be arranged and printed upon the primary election bal-
5 lots in the following manner: The county auditor shall prepare a list
6 of the election precincts of his county, by arranging the various town-
7 ships, towns, and cities in the county in alphabetical order, and the
8 wards or precincts of each city, town, or township in numerical order
9 under the name of such city, town, or township. He shall then arrange
10 the surnames of all candidates for such offices alphabetically for the
11 respective offices for the first precinct in the list; thereafter, for each
12 succeeding precinct, the names appearing first for the respective offices
13 in the last preceding precinct shall be placed last, so that the names
14 that were second before the change shall be first after the change.

1 **SEC. 31. Names of township or district candidates.** The names of
2 candidates for all offices to be filled by the voters of a territory smaller
3 than a county shall be arranged and printed alphabetically according
4 to the surnames for the respective offices.

1 **SEC. 32. Sample ballots.** The county auditor shall take from the
2 official printed ballots of each precinct ten (10) ballots of each political
3 party, and shall write or stamp, in red ink, near the top of each ballot,
4 the words "sample ballot" and shall sign or stamp his official signature
5 thereunder. Said ballots shall be delivered to the judges but shall not
6 be voted, received, or counted. Said judges shall, before the opening
7 of the polls, cause said sample ballots to be posted in and about the
8 polling places.

1 **SEC. 33. Judges and clerks.** Judges and clerks of primary elections
2 shall be selected, appointed, and shall organize, and vacancies shall be
3 filled, as in case of general elections. Judges are authorized to ad-
4 minister oaths as hereinafter provided.

1 **SEC. 34. Expenses of primary elections.** The expenses of primary
2 elections shall be paid in the same manner as expenses of general
3 elections. The compensation of judges and clerks shall be thirty
4 cents (30c) per hour.

1 **SEC. 35. Supplies—poll books and ballots.** All necessary election
2 supplies, including poll books as provided by law for the general elec-
3 tion, together with a sufficient number of official primary ballots of
4 each party, shall be furnished for the primary election board for each
5 precinct by the county auditor.

1 **SEC. 36. Form of poll books.** Such poll books shall contain blank
2 spaces for the names of the candidates of the several parties for the
3 different offices to be written in and shall be in substantially the fol-
4 lowing form:

6 No.	Name	Repub- lican	Demo- crat	Prohibi- tionist	Socialist
7 1	James Smith	X			
8 2	Tom Jones		X		
9 3	Dan Brown			X	
10 4	George White				X

1 **SEC. 37. Designating party affiliation.** It shall be the duty of the
2 clerks of the primary election when entering the name of a voter to
3 place in the poll books a cross, thus (X), in the column designating
4 the party ticket which was given to said voter upon his application
5 for a ticket.

1 **SEC. 38. Australian ballot.** The Australian ballot system as now
2 used in this state, except as herein modified, shall be used at said
3 primary election. The indorsement of the judges and the facsimile
4 of the auditor's signature shall appear upon the ballots as provided
5 for general elections.

1 **SEC. 39. Opening of polls.** In cities where registration is required,
2 the polls shall be open from seven (7) o'clock a. m. to eight (8) o'clock
3 p. m., and in all other precincts from nine (9) o'clock a. m. to eight
4 (8) o'clock p. m.

1 **SEC. 40. Voter confined to party ticket.** The elector shall be allowed
2 to vote for candidates for nomination on the ballot of the party with
3 which he is registered as affiliated, and shall receive no other ballot.
4 The voter shall return the ballot, folded, to one of the judges who shall
5 deposit it in the ballot box.

1 **SEC. 41. Ballot for another party's candidate.** If any primary
2 elector write upon his ticket the name of any person who is a candi-
3 date for the same office upon some other party ticket than that upon
4 which his name shall be so written, such ballot shall be so counted for
5 such person only as a candidate of the party upon whose ballot his
6 name is written, and shall in no case be counted for such person as a
7 candidate upon any other ticket.

1 **SEC. 42. Records of party affiliation.** The official records of party
2 affiliation now existing in the office of the several county auditors of
3 the state shall be used in the primary election of nineteen hundred
4 twenty-four (1924). Prior to all subsequent primary elections, the
5 county auditor shall, for each precinct, prepare two (2) alphabetically
6 arranged lists of all voters, with their party affiliation, as shown
7 by the poll books of the last preceding primary election, and deliver
8 the same to the judges at least one (1) day prior to each primary
9 election. All such lists shall, with the poll books, be returned by the
10 judges to the auditor.

1 **SEC. 43. Change of party affiliation.** Any elector, who, having
2 declared his party affiliation, desires to change the same, may, not less
3 than ten (10) days prior to the date of any primary election, file a
4 written declaration with the county auditor stating his change of
5 party affiliation, and the auditor shall enter a record of such change
6 on the poll books of the last preceding primary election in the proper
7 column opposite the voter's name and on the voting list.

1 **SEC. 44. New voters.** Any elector whose party affiliation has not,
2 for any reason, been registered, or any elector who has changed his
3 residence to another precinct, or a first voter or citizen of this state
4 casting his first vote in this state, shall be entitled to vote at any pri-
5 mary election by declaring his party affiliation at the time of voting.

1 **SEC. 45. Challenges.** Each political party shall be entitled to have
2 two (2) party challengers present at each polling place, to be ap-

3 pointed by the respective party committeemen. Any judge or clerk
4 of the primary election or any party challenger may challenge any
5 voter upon the grounds mentioned in section four hundred forty-three
6 (443) and such challenge shall be determined as there provided.

1 **SEC. 46. Change of affiliation—challenge.** Any elector whose party
2 affiliation has been recorded as provided by this chapter, and who
3 desires to change his party affiliation on the primary election day,
4 shall be subject to challenge. If the person challenged insists that
5 he is entitled to vote the ticket of the political party to which he has
6 transferred his political affiliation and the challenge is not withdrawn,
7 one of the judges shall tender to him the following oath: "You do
8 solemnly swear (or affirm) that you have in good faith changed your
9 party affiliation to and desire to be a member of the.....
10 party." If he take such oath he shall thereupon be given a ticket of
11 such political party and the clerks of the primary election shall change
12 his enrollment of party affiliation accordingly.

1 **SEC. 47. Counting ballots and preparing returns.** Upon the closing
2 of the polls the judges and clerks shall immediately:

3 1. Place the ballots of the several political parties in separate piles.

4 2. Separately count the ballots of each party, and make the correct
5 entries thereof on the tally sheets.

6 3. Certify to the number of votes cast upon the ticket of each
7 political party for each candidate for each office.

8 4. Seal the ballots cast on behalf of each of the parties in separate
9 envelopes, and on the outside of such envelope write or print the names
10 of said party's candidates for all offices and opposite each name enter
11 the number of votes cast for such candidate in said precinct.

12 5. Seal all the envelopes of all political parties in one (1) large
13 envelope and on the outside thereof, or on a paper attached thereto,
14 enter the number of votes cast by each party in said precinct.

15 6. Seal the poll books, containing the tally sheets and certificates
16 of the election judges, in an envelope, on the outside of which are
17 written or printed in perpendicular columns the names of the several
18 political parties with the names of the candidates for the different
19 offices under their party name, and opposite each candidate's name
20 enter the number of votes cast for such candidate in said precinct.

21 7. Enter at the bottom of each party column on said envelope the
22 total vote cast by said party in said precinct.

1 **SEC. 48. Delivering returns.** Said judges and clerks shall deliver
2 said poll books, tally sheets, certificates, envelopes containing ballots,
3 and all unused supplies to the county auditor within twenty-four (24)
4 hours after the close of the polls. Said auditor shall carefully pre-
5 serve said returns and envelopes in the condition in which received
6 and deliver them to the county board of canvassers.

1 **SEC. 49. Messenger sent for returns.** If the returns from any pre-
2 cinct are not delivered as provided in the preceding section, the county
3 auditor shall forthwith send a messenger for any such missing returns,
4 and said messenger shall be paid as provided for such services in the
5 general election law.

1 **SEC. 50. Elector may ascertain vote cast.** Any elector of the county
2 shall have the right, before the day fixed for canvassing the returns,

3 to ascertain the vote cast for any candidate in any precinct in the
4 county, as shown on the outside of the envelope containing the poll
5 books.

1 **SEC. 51. Canvass by county board of canvassers.** On the second
2 Tuesday next following the primary election, the board of supervisors
3 shall meet, open, and canvass the returns from each voting precinct
4 in the county, and make abstracts thereof, stating in words written at
5 length:

6 1. The number of ballots cast in the county by each political party,
7 separately, for each office.

8 2. The name of each person voted for and the number of votes
9 given to each person for each different office.

1 **SEC. 52. Signing and filing of abstract.** The members of the board
2 shall sign said abstracts and certify to the correctness thereof, and file
3 the same with the county auditor.

1 **SEC. 53. Finality of canvass.** Such canvass and certificate shall be
2 final as to all candidates for nomination to any elective county office
3 or office of a subdivision of a county.

1 **SEC. 54. Who nominated for county office.** The candidate or candi-
2 dates of each political party for each office to be filled by the voters of
3 the county having received the highest number of votes, and not less
4 than thirty-five per cent (35%) of all the votes cast by the party for
5 such office, shall be duly and legally nominated as the candidate of
6 his party for such office, except that no candidate whose name is not
7 printed on the official ballot who receives less than ten per cent (10%)
8 of the whole number of votes cast in the county for governor on the
9 party ticket with which he affiliates, at the last general election, shall
10 be declared to have been nominated to any such office.

1 **SEC. 55. Who nominated for township office.** The candidate or
2 candidates of each political party for each office to be filled by the
3 voters of any subdivision of a county having received the highest
4 number of votes shall be duly and legally nominated as the candidate
5 of his party for such office, except that no candidate whose name is
6 not printed on the official primary ballot, who receives less than five
7 per cent (5%) of the votes cast in such subdivision for governor on
8 the party ticket with which he affiliates, at the last general election,
9 nor less than five (5) votes, shall be declared to have been nominated
10 to any such office.

1 **SEC. 56. Nominee's right to place on ballot.** Each candidate so
2 nominated shall be entitled to have his name printed on the official
3 ballot to be voted for at the general election without other certificate.

1 **SEC. 57. Nominee certified.** The said canvassing board shall sep-
2 arately prepare and certify a list of the candidates of each party so
3 nominated. It shall deliver to the chairman of each party central
4 committee for the county a copy of the list of candidates nominated
5 by the party he represents; and shall also certify and deliver to such
6 chairman a list of the offices to be filled by the voters of a county for
7 which no candidate of his party was nominated because of the failure
8 of any candidate for any such office to receive the legally required
9 number of votes, together with the names of the candidate for each

10 of such offices voted for at the primary election and the number of
11 votes received by each of such candidates.

1 **SEC. 58. Recount of ballots.** Any candidate whose name appears
2 upon the official primary ballot of any voting precinct may require
3 the board of supervisors of the county in which such precinct is situ-
4 ated to recount, at the time fixed for canvassing the returns of the
5 judges of election, the ballots cast in any such precinct as to the office
6 for which he was a candidate, by filing with the county auditor not
7 later than the day before such meeting, a showing in writing, duly
8 sworn to by such candidate, that fraud was committed, or error or
9 mistake made, in counting or returning the votes cast in any such
10 precinct as to the office for which he was a candidate.

1 **SEC. 59. Showing must be specific.** The showing for such recount
2 must be specific, and from it there must appear reasonable ground
3 to believe that a recount of the ballots would produce a result as to
4 the applicant's candidacy different from the returns made by the
5 judges.

1 **SEC. 60. Recount granted.** If such showing is made to the satis-
2 faction of the board, it shall thereupon recount the ballots cast in any
3 such precinct for the office for which the contestant was a candidate,
4 and if the result reached by the board on the recount of the ballots
5 as to such office be different from that returned by the judges of elec-
6 tion, it shall be substituted therefor as the true and correct return and
7 so regarded in all subsequent proceedings. The action of the board
8 shall be final and no other contest of any kind shall be permitted.

1 **SEC. 61. Candidate defined.** The term "candidate" as used in the
2 three (3) preceding sections shall include and apply to persons voted
3 for as delegates and party committeemen.

1 **SEC. 62. Abstracts to secretary of state.** The county board of
2 canvassers shall also make a separate abstract of the canvass as to
3 the following offices and certify to the same and forthwith forward
4 it to the secretary of state, viz.:

- 5 1. United States senator.
- 6 2. All state offices.
- 7 3. Representative in congress.
- 8 4. Senators and representatives in the general assembly.

1 **SEC. 63. Returns filed and abstracts recorded.** When the canvass
2 is concluded, the board shall deliver the original returns to the auditor,
4 who shall file the same and record each of the abstracts above men-
5 tioned in the election book.

1 **SEC. 64. Proceedings to be published.** The published proceedings
2 of the canvassing board shall be confined to a brief statement of:

- 3 1. The names of the candidates nominated by the electors of the
4 county or subdivision thereof and the offices for which they are so
5 nominated.
- 6 2. The offices for which no nomination was made by a political
7 party participating in the primary, because of the failure of the can-
8 didate to receive the legally required number of votes cast by the party
9 for such office.

1 **SEC. 65. Canvass by state board.** On the second Monday after the
2 June primary election, the executive council shall meet as a canvassing
3 board, and open and canvass the abstract returns received from each
4 county in the state. The board shall make an abstract of its canvass,
5 stating in words written at length, the number of ballots cast by each
6 political party, separately, for each office designated in the abstracts
7 forwarded to the secretary of state, the names of all the persons
8 voted for, and the number of votes received by each person for each
9 office, and shall sign and certify thereto.

1 **SEC. 66. State canvass conclusive.** The canvass and certificates by
2 the state board of canvassers shall be final as to all candidates named
3 therein.

1 **SEC. 67. Who nominated.** The candidate of each political party for
2 each office to be filled by vote of the people having received the high-
3 est number of votes in the state or district of the state, as the case
4 may be, provided he received not less than thirty-five per cent (35%)
5 of all the votes cast by the party for such office, shall be duly and
6 legally nominated as the candidate of his party for such office, except
7 as provided in the following section.

1 **SEC. 68. Minimum requirement for nomination.** A candidate whose
2 name is not printed on the official ballot, must, in order to be nomi-
3 nated, receive such number of votes as will equal at least ten per cent
4 (10%) of the whole number of votes cast for governor at the last
5 general election in the state, or district of the state, as the case may
6 be, on the ticket of the party with which such candidate affiliates.

1 **SEC. 69. Nominee's right to place on ballot.** Each candidate so
2 nominated shall be entitled to have his name printed on the official
3 ballot to be voted at the general election without other certificate.

1 **SEC. 70. Certified list of nominees.** The state board of canvassers
2 shall prepare and certify separate lists of the candidates nominated
3 by each party, as shown by the state canvass, and deliver to the chair-
4 man of each party central committee for the state a copy of the list
5 of candidates nominated by the party which said chairman represents.

1 **SEC. 71. Certificates in case of failure to nominate.** Said state
2 board shall, at once after completing its canvass, prepare separate
3 certificates for each political party as to each office for which no can-
4 didate was nominated because of the failure of any candidate for any
5 such office to receive the legally required number of votes cast by such
6 party for such office. Such certificates shall show the names of the
7 several candidates for each of such offices voted for at the primary
8 election and the number of votes received by each of said candidates.

1 **SEC. 72. Delivery of certificates.** The certificate provided in the
2 last preceding section shall be sent:

3 1. To the chairman of the state central committee of said party,
4 in case of offices to be filled by the voters of the entire state.

5 2. To the chairman, if known, of the district central committee
6 of said party, and to each county auditor, in case of offices to be filled
7 by the voters of any district of the state composed of more than one
8 (1) county.

9 3. To the chairman of the county central committee of said party,
10 and to the county auditor, in case of offices to be filled by the voters
11 of a district of the state composed of one (1) county.

1 SEC. 73. **Messenger sent for abstracts.** If returns of abstracts have
2 not been received by the state canvassing board from all the counties
3 by the time fixed for such state canvass, the secretary of state shall
4 immediately send a messenger after said missing abstracts, and the
5 said board may adjourn from time to time until said abstracts are
6 received.

1 SEC. 74. **State returns filed and recorded.** When the canvass is
2 concluded, the board shall deliver the original abstract returns to the
3 secretary of state, who shall file the same in his office and record the
4 abstracts of the canvass of the state board and certificates attached
5 thereto in the book kept by him known as the election book.

1 SEC. 75. **Secretary of state to certify nominees.** Not less than
2 fifteen (15) days before the general election the secretary of state
3 shall certify to the auditor of each county, under separate party head-
4 ings, the name of each person nominated as shown by the official can-
5 vass made by the executive council, or as certified to him by the proper
6 persons when any person has been nominated by a convention or by
7 a party committee, or by petition, his place of residence, the office
8 to which he is nominated, and the order in which the tickets of the
9 several political parties shall appear on the official ballot.

1 SEC. 76. **Certificate in case of additional nominations.** If, after the
2 foregoing certificate has been forwarded, other authorized nominations
3 are certified to the secretary of state, including nominations to be
4 voted on at any time at a special election, said secretary shall at once,
5 in the form provided in the preceding section, certify said nominations
6 to the county auditors with a statement showing the reason therefor.

1 SEC. 77. **Tie vote.** In case of a tie vote resulting in no nomination
2 for any office, or election of delegates or party committeeman, the tie
3 shall forthwith be determined by lot by the board of canvassers, or
4 judges of election, as the case may be.

1 SEC. 78. **Vacancies in nominations prior to convention.** Vacancies
2 in nominations made in the primary election when such vacancies occur
3 before the holding of the county, district, or state convention, shall
4 be filled:

5 1. By the county convention if the office in which the vacancy oc-
6 curs is to be filled by the voters of the county.

7 2. By a district convention if the office in which the vacancy occurs
8 is to be filled by the voters of a district composed of more than one
9 (1) county.

10 3. By the state convention if the office in which the vacancy occurs
11 is to be filled by the voters of the entire state.

1 SEC. 79. **Failure of convention to fill.** If the convention does not
2 fill such vacancy, the same shall, except in case of vacancy in the
3 office of United States senator, be filled by the party central commit-
4 tee for the county, district, or state as the case may be.

1 SEC. 80. **Vacancies in nominations subsequent to convention.** Va-
2 cancies in nominations made in the primary election when such vacan-

3 cies occur after the holding of a county, district, or state convention,
4 shall, except as provided in the next section, be filled by the party
5 central committee for the county, district, or state as the case may be.

1 **SEC. 81. Vacancies in nomination of United States senator.** Vacan-
2 cies in nominations made in the primary election, for office of United
3 States senator, when such vacancy occurs after the holding of the
4 state convention or too late to be filled by said convention and thirty
5 (30) days prior to the holding of the regular November election, shall
6 be filled by a state convention. For this purpose, the chairman of the
7 party's state central committee shall, within ten (10) days after said
8 vacancy occurs, reconvene the delegates to the last preceding state
9 convention.

1 **SEC. 82. Vacancies in office prior to convention.** Nominations occa-
2 sioned by vacancies in office when such vacancies occur too late for the
3 filing of nomination papers for candidates in the primary election, and
4 before the holding of the county, district, or state convention, shall
5 be made by the convention which has jurisdiction to make nominations
6 for the office in question.

1 **SEC. 83. Vacancies in office subsequent to convention—United States**
2 **senator.** Nominations occasioned by vacancies in office when such va-
3 cancies occur after the holding of the county, district, or state conven-
4 tion, or when they occur before said convention but too late to be made
5 thereby, shall be made by the party central committee for the county,
6 district, or state, as the case may be, except that when the vacancy
7 is in the office of senator of the United States, and occurs thirty (30)
8 days prior to the holding of the regular November election, nomination
9 shall be made by convention as provided in case of vacancies in nomi-
10 nations for such office.

1 **SEC. 84. Vacancies in office of representative in congress or state**
2 **senator.** A nomination to be voted on at a special election and occa-
3 sioned by a vacancy in the office of representative in congress, or
4 senator in the general assembly for a district composed of more than
5 one county, shall be made by a convention duly called by the district
6 central committee.

1 **SEC. 85. Vacancies in office of state senator or representative.** A
2 nomination to be voted on at a special election and occasioned by a
3 vacancy in the office of representative in the general assembly, or of
4 a senator in such assembly for a district composed of one county, shall
5 be made by the county central committee.

1 **SEC. 86. When county convention reconvened.** When a nomination
2 is directed to be made by a district convention composed of more than
3 one county, and the county convention in any county of the district
4 has adjourned without selecting delegates to such convention, the
5 county convention shall be reconvened for the purpose of making such
6 selection.

1 **SEC. 87. Committee may call convention.** A party central commit-
2 tee empowered to make a nomination to fill a vacancy, either in a
3 nomination authorized to be made at the primary or to fill a vacancy
4 in office, may in lieu of exercising such right, call a convention to make
5 such nomination.

1 **SEC. 88. Vacancies in nominations and in offices for subdivisions of**
2 **county.** Vacancies in nominations made in the primary election, and
3 nominations occasioned by vacancies in offices, when such offices are
4 to be filled by a territory smaller than a county shall be filled by the
5 members of the party committee for the county from such subdivision.

1 **SEC. 89. Certification of vacancy nominations.** Nominations made
2 in case of vacancies, and nominations made by state, district, and
3 county conventions, shall, under the name, place of residence, and
4 postoffice address of the nominee, and the office to which he is nomi-
5 nated, and the name of the political party making the nomination, be
6 forthwith certified to the proper officer by the chairman and secretary
7 of the convention, or by the committee, as the case may be, and if
8 such certificate is received in time, the names of such nominees shall
9 be printed on the official ballot the same as if the nomination had been
10 made in the primary election.

1 **SEC. 90. County convention.** Each political party shall hold a
2 county convention at the county seat on the fourth Saturday following
3 each primary election, which convention shall convene at eleven (11)
4 o'clock a. m.

1 **SEC. 91. Delegates—committee to fix number.** Said county conven-
2 tion shall be composed of delegates elected at the last preceding pri-
3 mary election. The number of delegates from each voting precinct
4 shall be determined by a ratio adopted by the respective party county
5 central committees, and a statement designating the number from
6 each voting precinct in the county shall be filed by such committee
7 in the office of the county auditor at least thirty (30) days before the
8 primary election; if not so done, the auditor shall fix the number.

1 **SEC. 92. Election of delegates.** The requisite number of names of
2 candidates of his choice for delegates to the county convention to
3 which each precinct is entitled shall be written, or pasted with uniform
4 white pasters, on the blank lines upon the ballot, by the voter while
5 in the booth, or by someone designated by a voter unable to write,
6 after the ballots are received and before they are deposited, and the
7 requisite number of persons from each precinct who receive the high-
8 est number of votes shall be the delegates from the precinct to the
9 county convention.

1 **SEC. 93. Returns as to delegates and committeeman.** Returns shall
2 be made by the judges of election respecting delegates and members
3 of the county central committee in the same manner as for other
4 offices, except that the judges of election shall canvass the returns
5 as to delegates and members of the county central committee, and
6 certify the result to the auditor with the returns.

1 **SEC. 94. Notification and certificate as to delegates.** The auditor
2 shall, immediately after the final count and canvass of the votes and
3 returns by the board of supervisors, notify the delegates and members
4 of the county central committee who have thus been elected, of their
5 election, and of the time and place of holding the county convention,
6 and shall on the second Thursday following the primary election, de-
7 liver a certified list thereof to the chairmen of the respective party
8 central committees for the county.

1 **SEC. 95. Term of office of delegates.** The term of office of such
2 delegates shall begin on the day following the final canvass of the votes
3 by the board of supervisors, and shall continue for two (2) years and
4 until their successors are elected.

1 **SEC. 96. Calling convention to order—list of offices.** When the
2 delegates, or a majority thereof, or when delegates representing a
3 majority of the precincts, thus elected, shall have assembled in the
4 county convention, the convention shall be called to order by the chair-
5 man of the county central committee, who shall present the certified
6 list of delegates and members of the county central committee, and
7 a list of the offices for which no nomination was made at the primary
8 election by reason of the failure of any candidate for any such office
9 to receive the legally required number of all votes cast by such party
10 therefor.

1 **SEC. 97. Proxies prohibited.** If any precinct shall not be fully
2 represented the delegates present from such precinct shall cast the full
3 vote thereof, and there shall be no proxies.

1 **SEC. 98. Duties performable by county convention.** The said county
2 convention shall:

3 1. Make nominations of candidates for the party for any office to
4 be filled by the voters of a county when no candidate for such office
5 has been nominated at the preceding primary election by reason of the
6 failure of any candidate for any such office to receive the legally re-
7 quired number of votes cast by such party therefor.

8 2. Make nominations in those cases where a nomination made in
9 the primary election has become vacant before the convening of the
10 convention.

11 3. Make nominations to fill vacancies in office occurring too late
12 to file nomination papers in the primary election.

13 4. Elect delegates to the next ensuing regular state convention,
14 to the state judicial convention, and to all district conventions of that
15 year, including judicial district convention, upon such ratio of repre-
16 sentation as may be determined by the party organization for the
17 state, district or districts of the state, as the case may be. Delegates
18 to district conventions need not be selected in the absence of any
19 apparent reason therefor.

20 5. Elect a member of the party central committee for the sena-
21 torial and congressional districts composed of more than one (1)
22 county.

23 6. Elect the member, or members, of the judicial district central
24 committee as required by the law relative to the nomination and elec-
25 tion of supreme, district, and superior judges.

1 **SEC. 99. Nominations prohibited.** In no case shall the county con-
2 vention make a nomination for an office for which no person was voted
3 for in the primary election of such party, except nominations to fill
4 vacancies in office when such vacancies occurred too late for the filing
5 of nomination papers.

1 **SEC. 100. Party committeeman and term of office.** A man member
2 and a woman member of the county central committee for each politi-
3 cal party shall, at said primary election, be elected from each precinct.
4 The term of office of a member shall begin immediately following the

5 adjournment of the county convention and shall continue for two (2)
4 years and until his or her successor is elected and qualified, unless
5 sooner removed by the county central committee for inattention to
6 duty, incompetency, or failure to support the ticket nominated by the
7 party which elected such member.

1 **SEC. 101. Organization of central committee.** The county central
2 committee elected in the primary election shall organize on the day
3 of the convention, immediately following the same. Vacancies in such
4 committee may be filled by majority vote of the committee, but no
5 two members thereof from the same precinct shall be of the same sex.

1 **SEC. 102. District convention.** Each political party shall hold a
2 senatorial or congressional convention in districts composed of more
3 than one county:

4 1. When no nomination was made in the primary election for the
5 office of senator in the general assembly, or of representative in con-
6 gress, as the case may be, because of the failure of any candidate to
7 receive the legally required number of votes cast by his party for
8 such candidates.

9 2. When a vacancy exists in a nomination made in the primary
10 election.

11 3. When a nomination is required to fill a vacancy in either of said
12 offices, and when said vacancy occurred after said primary election,
13 or if before said election, too late for the filing of nomination papers.

1 **SEC. 103. Call for district convention.** The district central com-
2 mittee, through its chairman, shall as soon as practicable after the
3 necessity for such convention is known, issue a call for such senatorial
4 or congressional convention, and immediately file a copy thereof with
5 each county auditor in the district. Said call shall state the number
6 of delegates to which each county will be entitled, the time and place
7 of holding the convention, and the purpose thereof.

1 **SEC. 104. Duty of county auditor.** The county auditor, in case the
2 district delegates for his county have not been selected, shall deliver
3 a copy of said call to the chairman of the convention which selects said
4 delegates.

1 **SEC. 105. Organization and procedure.** The organization of a dis-
2 trict convention and the procedure therein shall be substantially the
3 same as in the state convention.

1 **SEC. 106. Nominations authorized.** The convention when organized
2 shall make nominations to meet any of the conditions named in the
3 fourth preceding section.

1 **SEC. 107. Nominations prohibited.** In no case shall any district
2 convention of a party make a nomination for an office for which no
3 person was voted for in the primary election of such party, except
4 nominations to fill vacancies in office when such vacancies occurred
5 too late for the filing of nomination papers.

1 **SEC. 108. State convention.** Each political party shall, not earlier
2 than the first nor later than the fifth Wednesday following the county
3 convention, hold a state convention at such time and place as may be
4 determined by party organization.

1 **SEC. 109. Organization—proxies prohibited.** The convention shall
2 be called to order by the chairman of the state central committee,
3 who shall thereupon present a list of delegates, as certified by the
4 various county conventions, and effect a temporary organization.
5 If any county shall not be fully represented, the delegates present
6 from such county shall cast the full vote thereof, and there shall
7 be no proxies.

1 **SEC. 110. Nominations authorized.** Said state convention shall
2 make nominations of candidates for the party for any office to be
3 filled by the voters of the entire state:

4 1. When no candidate for such office has been nominated at the
5 preceding primary election by reason of the failure of any candidate
6 for any such office to receive the legally required number of votes
7 cast by such party therefor.

8 2. When a vacancy exists in a nomination made in the primary
9 election.

10 3. When a nomination is required to fill a vacancy in an office
11 and when such vacancy occurred after the primary election, or if
12 before such election, too late for the filing of nomination papers.

13 3a. Presidential electors in those years when presidential candi-
14 dates are to be voted on.

15 4. In all cases otherwise provided by law.

1 **SEC. 111. Nominations prohibited.** In no case shall the state con-
2 vention of a party make a nomination for an office for which no
3 person was voted for in the primary election of such party, except
4 nominations to fill vacancies in office when such vacancies occurred
5 too late for the filing of nomination papers.

1 **SEC. 112. State central committee—platforms.** Said conventions
2 shall elect a state central committee consisting of one man and of
3 one woman from each congressional district, adopt state platforms,
4 and transact such other business as may properly be brought before
5 it. The state central committee elected at said state convention may
6 organize at pleasure for political work as is usual and customary with
7 such committees, and shall continue to act until succeeded by another
8 committee duly elected.

1 **SEC. 113. Primary elections in certain cities.** This chapter shall,
2 so far as applicable, govern the nominations of candidates by political
3 parties for all offices to be filled by a direct vote of the people in cities
4 of the first class and cities acting under a special charter having a
5 population of over fifteen thousand (15,000), except all such cities
6 as adopt a plan of municipal government which specifically provides
7 for a nonpartisan primary election.

1 **SEC. 114. Duty of city and town officers.** The duties devolving
2 upon the county auditor and board of supervisors, by this chapter,
3 shall, in municipal elections, devolve upon the city auditor and city
4 council, respectively. Said council shall meet to perform said duties
5 within two (2) days next following the primary election.

1 **SEC. 115. Time of holding municipal primary.** Municipal primaries
2 shall be held on the last Monday in February of the year in which
3 general municipal elections are held.

1 SEC. 115-a1. That section three of House File two hundred fifty-
2 eight (258) passed at the extra session of the fortieth general assem-
3 bly, is hereby amended by striking out of the second line thereof the
4 word "Monday" and by inserting in lieu thereof the word "Tuesday".

1 SEC. 116. **Percentage of signers in municipal primary.** The per-
2 centage of voters signing petitions required for printing the name of
3 a candidate upon the official primary ballot shall be the same as is
4 required of a candidate for a county office and shall be based upon
5 the vote cast for mayor by the respective parties in the preceding
6 city election.

1 SEC. 117. **Certain names not printed on ballots.** The names of
2 candidates for ward aldermen, for city precinct committeemen and
3 for delegates to the city convention, shall not be printed upon the
4 official primary ballot but in each case a blank line or lines shall be
5 provided therefor.

1 SEC. 118. **When plurality vote nominates and elects.** A plurality
2 shall nominate the party candidate for alderman and a plurality shall
3 elect the precinct committeemen and delegates to the city convention.

1 SEC. 119. **Expense of municipal primary.** The entire expense of
2 conducting said municipal primary election shall be audited by the city
3 council and paid by the city.

1 SEC. 120. **Misconduct of election officials—penalty.** Any party com-
2 mitteeman or any primary election officer or public officer upon whom
3 a duty is imposed by this chapter or by chapters herein made ap-
4 plicable, who shall wilfully neglect to perform any such duty, or who
5 shall wilfully perform it in such a way as to hinder the objects thereof,
6 or shall disclose to anyone, except as may be ordered by any court of
7 justice, the manner in which a ballot may have been voted, shall be
8 punished by a fine of not less than one hundred dollars (\$100.00) nor
9 more than one thousand dollars (\$1,000.00), or by imprisonment in
10 the penitentiary not to exceed five (5) years, or by both such fine and
11 imprisonment.

1 SEC. 121. **Bribery—illegal voting.** Whoever is guilty of any of
2 the following acts shall be fined not less than one hundred dollars
3 (\$100.00) nor more than five hundred dollars (\$500.00), or be impris-
4 oned in the county jail not less than thirty (30) days nor more than
5 six (6) months, to wit:

6 1. Offering or giving a bribe, either in money or other considera-
7 tion, to any elector for the purpose of influencing his vote at a primary
8 election.

9 2. Receiving and accepting such bribe by an elector entitled to
10 vote at any primary election.

11 3. Making false answers to any of the provisions of this chapter
12 relative to his qualifications and party affiliations.

13 4. Wilfully voting or offering to vote at a primary election by one
14 who has not been a resident of this state for six (6) months next
15 preceding said primary election, or who is not twenty-one (21) years
16 of age, or who is not a citizen of the United States.

17 5. Wilfully voting or offering to vote at a primary election by
18 one who knows himself not to be a qualified elector of the precinct
19 where he votes or offers to vote.

20 6. Violating any provision of this chapter, or any provision of
21 law made applicable to this chapter.

22 7. Knowingly procuring, aiding, or abetting any violation specified
23 in this section.

1 **SEC. 122. Nominations by petition.** This chapter shall not be con-
2 strued to prohibit nomination of candidates for office by petition as
3 hereafter provided in this title, but no person so nominated shall be
4 permitted to use the name of any political party authorized or entitled
5 under this chapter to nominate a ticket by primary vote, or that has
6 nominated a ticket by primary vote under this chapter.

1 **SEC. 123. Publication clause.** This act being deemed of immediate
2 importance shall be in full force and effect from and after its publi-
3 cation in the Des Moines Capital and the Des Moines Register, news-
4 papers published in the city of Des Moines, Iowa.

Approved March 27, A. D. 1924.

I hereby certify that the foregoing act was published in the Des Moines Register March 31,
1924, and the Des Moines Capital March 31, 1924.

W. C. RAMSAY, *Secretary of State.*

CHAPTER 6

CORPORATIONS

S. F. 201

AN ACT to amend, revise, and codify sections fifty-three hundred forty-five (5345),
fifty-four hundred forty-four (5444), fifty-four hundred forty-eight (5448),
and fifty-four hundred fifty-three (5453) of the compiled code of Iowa, and
sections fifty-three hundred thirty-one (5331) and fifty-three hundred sixty-
seven (5367) of the supplement to the compiled code, relating to corporations.

Be it enacted by the General Assembly of the State of Iowa:

That sections fifty-three hundred forty-five (5345), fifty-four hundred
forty-four (5444), of the compiled code of Iowa, are amended, revised,
and codified to read as follows:

1 **SEC. 1. Certain corporations exempted.** Nothing in this chapter
2 shall be construed as imposing an annual fee or requiring a report
3 from any corporation organized for religious, educational, scientific,
4 or charitable purposes or other corporations not organized for pe-
5 cuniary profit, or from any corporation engaged in the banking or
6 loan and trust business, nor from insurance companies or associations
7 who have paid or have been exempted from the taxes provided in
8 sections forty-five hundred seventeen (4517) and forty-five hundred
9 twenty-one (4521), of the compiled code of Iowa, and received a cer-
10 tificate of authority from the commissioner of insurance.

That section five thousand four hundred forty-eight (5448), of the com-
piled code of Iowa, is amended, revised, and codified to read as follows:

1 **SEC. 2. Power to confer degrees.** Any corporation of an academical
2 character may confer the degrees usually conferred by such an in-
3 stitution.